



Paducah Citizens Advisory Board
"working for the future"
Emerging Technology Center, Room 221
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Recommendation 18-02: PGDP CAB Response to Regulatory Reform Initiative

June 21, 2018

Background

On December 7, 2017, the Secretary of Energy Rick Perry issued a memorandum stating the Department of Energy (DOE) is "committed to reducing regulatory burdens on American families and businesses." The Regulatory Reform initiative is in response to Executive Order (EO) 13771, "*Reducing Regulation and Controlling Regulatory Costs*", EO 13777, "*Enforcing the Regulatory Reform Agenda*", and EO 13783, "*Promoting Energy Independence and Economic Growth*."

DOE's efforts to address this directive should be commended. Notable efforts to not only inform the public of internal programmatic changes, but also to seek advice and comment, include: (1) publishing in the Federal Register a request for information seeking input from the public and those significantly affected by DOE regulations, and (2) direct consultation with its many advisory committees, formed pursuant to the Federal Advisory Committee Act (FACA). In the aforementioned DOE memorandum, Secretary Perry gave direction to DOE's FACA committees to "consider regulatory reform and to provide appropriate advice and recommendations on DOE regulations, guidance or policies."

The Paducah Gaseous Diffusion Plant (PGDP) Citizens Advisory Board (CAB), as part of DOE's FACA committees, has been actively engaged in Regulatory Reform discussions throughout this initiative. Both on the national and local level, the CAB has been informed of key programmatic enterprises that will help alleviate the burden of the current regulatory environment:

- Delegating NEPA compliance responsibility to the Heads of Departmental Elements,
- Addressing pertinent recommendations within EPA Superfund Task Force Report (<https://www.epa.gov/superfund/superfund-task-force-recommendations>)
 - Recommendation 18: Reinforce Federal Facility Agreements and Formal Dispute Timelines
 - Recommendation 30: Revise Federal Facility Enforcement Guidance
 - Recommendation 41: For Federal Facility Sites, Collaborate with Other Federal Agencies to Solicit Their Views on How EPA Can Better Engage Federal Agencies
- Integrating regulatory systems/ processes to communicate cleanup progress alignment among DOE; align priority setting and remedy selection; utilize available tools; explore regulatory flexibility; and review remedy decisions and agreements.

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Additionally, DOE has routinely sought the CAB's input for advice and recommendations concerning the Regulatory Reform initiative. In particular, the CAB would like to recognize Rob Seifert, Director of Environmental Compliance; David Borak, Designated Federal Officer, Environmental Management Site-Specific Advisory Board; Robert Edwards, Manager, Portsmouth-Paducah Project Office (PPPO); and Jennifer Woodard, Paducah Site Lead, PPPO, for their commitment to engage, inform and seek input throughout this process.

RECOMMENDATION

The PGDP CAB has a great deal of trust in the management of the Paducah site. The CAB understands that a newly approved lifecycle baseline is in place and this baseline provides a plan for completion of the environmental remediation at the Paducah site. While the CAB understands that funding issues can delay progress, internal burdens that extend the projected timeline are unacceptable. As stakeholders and partners with DOE, the CAB also cannot accept regulatory delays at Paducah or other DOE sites that will ultimately impact our cleanup and project timelines in document delays or field work.

The PGDP CAB recommends that DOE pursue any and all efforts to reduce the regulatory and financial burden that is ultimately borne by the American taxpayers. Additionally, the CAB looks to DOE, the Commonwealth of Kentucky, and the US Environmental Protection Agency to work cooperatively to avoid regulatory delays and holdups.